



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,537	05/23/2001	Robert Carl Barrett	AM9-97-133-US2	4656

30355 7590 06/06/2003

DANIEL E. JOHNSON
IBM CORPORATION, ALMADEN RESEARCH CENTER
INTELLECTUAL PROPERTY LAW DEPT. C4TA/J2B
650 HARRY ROAD
SAN JOSE, CA 95120-6099

EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 06/06/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/864,537

Applicant(s)

BARRETT ET AL.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-60 and 69-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-60 and 69-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 7. 6) ☐ Other: _____

Art Unit: 2172:

DETAILED ACTION

1. This first office action is in response to the election of the restriction requirement received on May 09, 2003, which Group I (Claims 1-20, 31-60 and 69-78) has been elected, claims 1-50 were canceled and claims 79-83 are added for examination.

Drawings

2. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in ABANDONMENT of the application

Information Disclosure Statement

3. The information disclosure statement filed on May 23, 2001 and July 16, 2002 complies with the provisions of M.E.P.. § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Art Unit: 2172:

Claim Objections

5. Claims 51-60 are objected to because of the claims 51-60 do not have the correct dependency as recited in the preliminary amendment. . Appropriate correction is required.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 51-60, 69-78 and 79-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Starkey US Patent no. 5,592,664.

As to claim 79, Starkey discloses the claimed “at least one observer agent for monitoring a selected event of an environment, and for creating a primitive fact which incorporates a status of the

Art Unit: 2172:

monitored event” a event generator for generating an event signal each time an event (col.4, lines 24-27; col.10, lines 55-67); “a dynamic user model for storing created facts, the stored facts being accessible by the agents” as a dynamic shared memory for storing event table and delivering the pertinent information concerning an event to the event dependent process (col.7, lines 20-30; col.11, lines 3-26); and “at least one reporter agent for examining created facts, for defining and identifying reportable facts, and for delivering a copy of the reportable facts to the receiving client” delivering the pertinent information concerning an event to the event dependent process (col.11, lines 3-40; col.14, lines 36-65).

As to claim 80, Starkey discloses the claimed “wherein the at least one observer agent and the at least one reporter agent each defines an independent, concurrent programming thread” (col.15, lines 10-50).

As to claim 81, Starkey discloses the claimed “wherein the at least one reporter thread is triggered by the creation of each new primitive fact, whereby delivery of reportable facts to a client is triggered by occurrence of monitored events” (col.11, lines 3-60; col.14, lines 46-64).

As to claim 82, Starkey discloses the claimed “including at least one fact deriving agent for examining all existing facts, for creating new facts from one or more existing facts, and for linking each new fact

Art Unit: 2172:

to a parent fact, forming fact nets of linked facts, and further including all fact nets being stored in the dynamic user model” (col.21, lines 2-60; col.20, lines 2-62; col.23, lines 17-67).

As to claim 83, Starkey discloses the claimed “a fact pruning agent defining a no-longer valid fact and a descendant of a fact, the fact pruning agent eliminating each no-longer valid fact and all its descendants from the fact nets” (col.20, lines 2-62; col.23, lines 17-67).

As to claim 51, Starkey discloses the claimed “providing a platform implementing the information processing system and a system client for practicing the method” (col.4, lines 26-50); “gathering facts concerning user activity” (col.4, lines 26-50); “forming the gathered facts into facts nets” (col.4, lines 26-50); “storing the fact nets within the platform implemented system” as a dynamic shared memory for storing event table and delivering the pertinent information concerning an event to the event dependent process (col.7, lines 20-30; col.11, lines 3-26); “identifying fact net defining evolving probable user interest” (col.4, lines 25-50; col.7, lines 20-25; col.10, lines 18-30); and “pushing selected fact from the identified fact nets to the system client”(col.20, lines 2-62; col.23, lines 17-67).

As to claims 52-53, Starkey discloses the claimed “deriving new facts from the fact within the fact nets, and incorporating the new facts into the fact nets” (col.20, lines 2-62; col.23, lines 17-67).

Art Unit: 2172:

As to claim 54, Starkey discloses the claimed “executing the previous step concurrently as independent threads” (col.20, lines 2-62; col.23, lines 17-67).

As to claim 55, Starkey discloses the claimed “defining a no-longer valid fact, and pruning no-longer valid facts from the fact nets” (col.20, lines 2-62; col.23, lines 17-67).

As to claim 56, Starkey discloses the claimed “triggering occurs upon the deriving and pushing step upon the formation of the fact nets” (col.11, lines 15-60; col.14, lines 46-64).

As to claim 57, Starkey discloses the claimed “wherein the triggering occurs upon the derivation of new facts, thereby defining an iterative process of reevaluation and reporting”(col.23, lines 17-26; col.25, lines 5-50).

As to claim 58, Starkey discloses the claimed “deriving every possible fact that can be derived each time a new fact is added” (col.23, lines 16-40).

As to claim 59, Starkey discloses the claimed “wherein the client is an application program that display facts for user viewing” (col.15, lines 12-65).

Art Unit: 2172:

As to claim 60, Starkey discloses the claimed “wherein the client is an application program that archives facts for later use” (col.30, line 8-col.31, line 20).

As to claims 69-78, the limitations of claims 69-78 have been noted in the rejection of claims 51-60 above. They are, therefore, rejected under the same rationale.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (See PTO 892).

Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean M. Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on Tuesday-Friday from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on Monday-Friday from 9:00 a.m.-6:00 p.m. at (703)305-4393.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

Serial Number: 09/864,537:

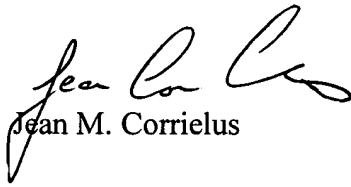
Page 8

Art Unit: 2172:

or faxed to: (703) 308-9051, (for formal communications intended for entry)

Or: (703)305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-9600.


Jean M. Corrielus
Patent Examiner

May 29, 2003